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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/807,289	03/24/2004	Ulrich Bley	DP-314018	3911
22851 7590 01/23/2008 DELPHI TECHNOLOGIES, INC. M/C 480-410-202 PO BOX 5052 TROY, MI 48007			EXAMINER FELTON, AILEEN BAKER	
			ART UNIT 1793	PAPER NUMBER
			MAIL DATE 01/23/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/807,289	Applicant(s) BLEY ET AL.	
	Examiner Aileen B. Felton	Art Unit 1793	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 May 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 8-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 8-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Lewis (3,177,652).

Lewis discloses using mixtures of gaseous oxides such as nitrous oxide and nitric oxide with solid fuel in a device that generates gas (col. 5).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 2, 8, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rink et al (5,941,562) in view of Lewis (3,177,652).

Rink discloses nitrous oxide combined with a solid fuel in a generating device (col. 4). The nitrous oxide can be mixed with argon (col. 7). The nitrous oxide is in fluid communication with a solid gas generant.

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Lewis teaches that it is known to use mixtures of gaseous oxides such as nitrous oxide and nitric oxide with solid fuel in a device that generates gas (col. 5).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the mixture of oxides as taught by Lewis since Lewis suggests that it is known to use these mixtures in association with a solid fuel to generate gas.

5. Claims 3-5 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rink et al (5,941,562) in view of Lewis (3,177,652) as applied to claims 1, 2, 8, and 11 above, and further in view of Tigrett (3,321,342).

Rink fails to disclose the use of a scent material.

Tigrett teaches that it is known to add fragrance to an explosive formulation (col. 4, lines 30-38).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use a fragrance as taught by Tigrett since it would cause the primer to also have a pleasing smell upon ignition. It would also be obvious to use any type of fragrance such as vanillin.

6. Claims 9, 10, 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rink et al (5,941,562) in view of Lewis (3,177,652) as applied to claims 1, 2, 8, and 11 above, and further in view of Lundstrom (5,962,808).

Rink fails to disclose the claimed gas generant.

Lundstrom teaches a gas generant that comprises nitroguanidine, ferrocene, and aluminum (col. 4 and 5).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the gas generant as taught by Lundstrom with the device disclosed by Rink since Rink suggests that gas generant compositions may be used and since Lundstrom teaches that this composition is known for use in gas generators.

7. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rink et al (5,941,562) in view of Lewis (3,177,652) as applied to claims 1, 2, 8, and 11 above, and further in view of Barbero (3,529,551).

Barbero teaches that it is known to use plastic spheres to create pores in a solid propellant (col. 5).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the teaching of Barbero with the gas generant of Rink since Barbero suggests that it is known to increase porosity with plastic spheres to improve the performance of a propellant.

Response to Arguments

8. Applicant's arguments have been fully considered but they are not persuasive. Applicant argues that Lewis does now disclose the mixture of nitrous oxide and nitric oxide. This is not persuasive since in col. 5, lines 16-22, Lewis indicates that "any chemical or mixture of chemicals" may be used as the oxidizer. Also, a limited number of oxidizers are disclosed, thus anticipating the claim.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aileen B. Felton whose telephone number is 571.272.6875. The examiner can normally be reached on Monday-Friday 6:30-4:00, except alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jerry Lorengo can be reached on 571.272.1233. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Aileen Felton/
Primary Examiner
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